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6 **IN THE UNITED STATES DISTRICT COURT**

7 **FOR THE DISTRICT OF ARIZONA**

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9 Lino Flores,	)	No. CV 08-1705-PHX-SMM (ECV)
10                   Petitioner,	)	<b>ORDER</b>
11 vs.	)	
12	)	
13 Dora Schriro, et al.,	)	
14                   Respondents.	)	
15 _____	)	

16           On September 15, 2008, Petitioner Lino Flores, who is confined in the Arizona State

17 Prison Complex-Eyman, filed a *pro se* Petition for Writ of Habeas Corpus pursuant to 28

18 U.S.C. § 2254. Petitioner has not paid the \$5.00 filing fee or filed an Application to Proceed

19 *In Forma Pauperis*.

20 **I.     Failure to Pay Filing Fee**

21           Rule 3.5(b) of the Local Rules of Civil Procedure requires that “[i]f a habeas corpus

22 petitioner desires to prosecute the petition *in forma pauperis*, the petitioner shall file an

23 application to proceed [*in forma pauperis*] on a form approved by the Court, accompanied

24 by a certification of the warden or other appropriate officer of the institution in which the

25 petitioner is confined as to the amount of money or securities on deposit to the petitioner’s

26 credit.” Rule 3.5(b) also requires payment of the \$5.00 filing fee if a petitioner has in excess

27 of \$25.00 in his inmate account.

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Because Petitioner has not paid the \$5.00 filing fee or filed an Application to Proceed *In Forma Pauperis*, Petitioner will be given 30 days from the date this Order is filed to either pay the \$5.00 filing fee or file a completed Application to Proceed *In Forma Pauperis* using the form included with this Order.

## **II. Warnings**

### **A. Address Changes**

Petitioner must file and serve a notice of a change of address in accordance with Rule 83.3(d) of the Local Rules of Civil Procedure. Petitioner must not include a motion for other relief with a notice of change of address. Failure to comply may result in dismissal of this action.

### **B. Copies**

Petitioner must submit an additional copy of every filing for use by the Court. See LRCiv 5.4. Failure to comply may result in the filing being stricken without further notice to Petitioner.

### **C. Possible Dismissal**

If Petitioner fails to timely comply with every provision of this Order, including these warnings, the Court may dismiss this action without further notice. See *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260-61 (9th Cir. 1992) (a district court may dismiss an action for failure to comply with any order of the Court).

## **IT IS ORDERED:**

(1) Within 30 days of the date this Order is filed, Petitioner must either pay the \$5.00 filing fee **or** file a completed Application to Proceed *In Forma Pauperis*.

(2) If Petitioner fails to either pay the \$5.00 filing fee or file a completed Application to Proceed *In Forma Pauperis* within 30 days, the Clerk of Court must enter a judgment of dismissal of this action without prejudice and without further notice to Petitioner.

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....

DATED this 29<sup>th</sup> day of September, 2008.

Stephen M. McNamee  
United States District Judge